

January Job Jitters Becoming Real

A revised law set to begin on February 1st will further protect laid off workers but until it does begin it's shooting a warning to Capital Region businesses. The WARN (Workers Adjustment and Retraining Notification) Act will force New York State businesses with more than fifty employees to now give ninety days notice or pay when laying off an employee. Right now federal law requires 60 days notice or pay. Mathew Tully over at Tully Rinckey Attorneys & Counselors at Law has been blitzed with calls from companies already inquiring about the change.

"This is becoming disconcerting to a business owner. This law is designed to protect the employee but could almost guarantee the death of a business. The more notice a business owner must give, the less likely you can turn that business around."

Since the revised law doesn't take effect until February first, many companies will look to January as the month to make the layoffs.

"Absolutely, because if they lay someone off on January 31st they're only responsible for sixty days of benefits. If they wait a day until the first of February then it's ninety days. An additional thirty days depending on the size of the business could mean millions of extra dollars in expenses they're going to incur if it's a big enough layoff" says Tully.

The law will also be helping the government at a moment when many will be experiencing tough times. "the intent here is the government doesn't want to have to pay out unemployment benefits if the employees can be prevented from using them"

Businesses will face harsh penalties if they don't obey the revised law when it takes affect. Employers are liable for a maximum of sixty days of back pay and benefits for each employee. In addition they could face fines up to five hundred dollars per violation day.